



Commonwealth  
of Massachusetts

## *OCPF Online*

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*Office of Campaign and Political Finance  
One Ashburton Place, Room 411  
Boston, MA 02108*

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### Advisory Opinion

January 23, 2002  
AO-02-04

Liz Thissell Turenne  
6 Edgewood Drive  
Uxbridge, MA 01569

Re: Posting information on "Community Bulletin Board"

Dear Ms. Turenne:

This letter is in response to your January 7, 2002 email requesting an advisory opinion.

You have stated that you are the treasurer for a municipal ballot question committee in Uxbridge organized to support a potential school building project.

You would like to know if your committee may post information about the committee's fundraising events on the local cable "Community Bulletin Board," also referred to as "the Selectmen's Station." The station airs public meetings such as Board of Selectmen meetings and School Committee meetings. When such an event is not being broadcast, the station scrolls through submitted community announcements.

When a person wants to air an announcement, the announcement must be submitted in writing to one of the Board of Selectmen's secretaries. The secretary, during her workday, then arranges for the information to be inputted into the system and broadcast.

#### QUESTION 1

The ballot question committee is planning to hold its first fundraising event on February 10. May the committee announce the event on the Community Bulletin Board?

Answer: No.

#### QUESTION 2

The committee is planning a t-shirt design contest. The winning design will be used on t-shirts used to promote the ballot question. May the t-shirt design contest be publicized on the Community Bulletin Board?

Answer: No.

#### DISCUSSION

The underlying purpose of the campaign finance law is the assurance of “fairness of elections and the appearance of fairness in the electoral process.” Anderson v. City of Boston, 376 Mass. 178, 193 (1978), appeal dismissed, 439 U.S. 1069 (1979). The statute seeks to accomplish this goal by strictly excluding the commonwealth and its political subdivisions from involvement in the political process. Therefore, public resources may not be used to influence an election. In addition, absent legislative authority, such resources may not be used to provide information to voters regarding a ballot question, even if an effort is made to make the information unbiased and neutral. See IB-91-01.

In Anderson, the court’s analysis was based in part on several sections in the campaign finance law, in particular sections 13-17, which restrict political activity by public employees and in public buildings. The court stated that these provisions “demonstrate a general legislative intent to keep political fund raising and disbursing out of the hands of nonelective public employees and out of city and town halls.” Id., at 186-187. In part, they were designed to protect persons from being subjected to the pressures of political solicitation by public employees.

Section 13 prohibits direct *or indirect* solicitation or receipt of political contributions by appointed public employees. The prohibition against “indirect” solicitation means that public employees should “refrain from any activity which indicates support for the fundraising efforts of a candidate or political committee.” See IB-92-01.

In addition to the prohibition on solicitation or receipt of political contributions by appointed public employees, the campaign finance law also provides that no person, whether public employee or otherwise, shall “in any building occupied for state, county or municipal purposes demand, solicit or receive any payment or gift of money or other thing of value” for political campaign purposes. See M.G.L. c. 55, § 14.

Finally, various sections of the campaign finance law protect public employees and those in the private sector from being forced to contribute to or otherwise support a political candidate or committee. See M.G.L. c. 55, §§ 16-17.

The use of the Community Bulletin Board to announce political fundraising activities raises substantial concerns under Anderson and each of the sections of the campaign finance law listed above and should be avoided. First, it involves the use of public resources (the secretary’s time) to help a political committee raise funds; second, the secretary may be seen as being involved indirectly in soliciting contributions in violation of Section 13 and raising funds in a building occupied for municipal purposes, in violation of Section 14; finally, the secretary may be placed in a position of providing political services to the committee against her will, which if it occurred would raise issues under Sections 16-17.

This opinion is issued within the context of the Massachusetts campaign finance law<sup>1</sup> and is based on the facts contained in your email. Please contact us if you have further questions.

Sincerely,

A handwritten signature in black ink, reading "Michael J. Sullivan", followed by a vertical line.

Michael J. Sullivan  
Director

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<sup>1</sup> Questions relating to the programming of cable television resources, to the extent the questions do not involve the campaign finance law, should be addressed to the Cable Television Division of the Department of Telecommunications and Energy. See M-99-01.